

Appl. No. 10/025,668
Amdt AF dated August 4, 2006
Reply to Final Office Action of June 6, 2006

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REMARKS

Applicants have carefully reviewed the Final Office Action mailed June 6, 2006, prior to preparing this response. Currently claims 1-16 and 20-44 are pending in the application, wherein claims 1-16 and 20-44 have been rejected. Claims 1, 20, 36 and 39 have been amended with this paper. No new matter has been added with these amendments. Favorable consideration of the above amendments and following remarks is respectfully requested.

Claims 1, 5, 6, 20, 24, 25 and 39 stand rejected under 35 U.S.C. §102(b) as being anticipated by Schroepfel et al., U.S. Patent No. 5,957,966. Applicants respectfully traverse this rejection.

Each of claims 1, 20 and 39 states that the polymer jacket is attached to and surrounding a portion of the core wire such that a substantial portion of the polymer jacket is contiguous with the core wire. Schroepfel et al. '966 at least fails to teach this limitation of the claims. Namely, in the Figures of Schroepfel et al. '966, the conductor wire (42) is loosely coiled within the confines of the sleeve (12) and not attached to either segment (28) or segment (30) of the sleeve (12). See Figs. 2, 5, 6, 7 and 8, for example. As shown in the Figures, the conductor wire (42) is spaced away from the sleeve (12) such that the conductor wire (42) is not contiguous with the sleeve (12).

For at least this reason, claims 1, 20 and 39 are believed patentable over Schroepfel et al. '966. Claims 5, 6, 24 and 25, which depend from one of claims 1, 20 and 39 and contain additional limitations, are similarly believed patentable over Schroepfel et al. '966. Withdrawal of the rejection is respectfully requested.

Claims 1, 36, 37, 39 and 40 stand rejected under 35 U.S.C. §102(e) as being anticipated by Zhou, U.S. Patent Application Publication No. 2002/0183654. Applicants respectfully traverse this rejection.

Each of claims 1, 36 and 39 states that the polymer jacket is attached to and surrounding a portion of the core wire such that a substantial portion of the polymer jacket is contiguous with the core wire. Zhou at least fails to teach this limitation of the claims. Namely, as disclosed in Zhou, the first tip member (126) must be spaced away from the second tip member (128) in order to allow deflection of the first tip member (126) prior to engaging the second tip member (128). If a substantial portion of the second tip member (128) was contiguous with the elongate member

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(106), then deflection of the first tip member (126) of the elongate member (106) would be thwarted since the first tip member (126) of the elongate member (106) would be unable to deflect before engaging the second tip member (128).

For at least this reason, claims 1, 36 and 39 are believed patentable over Zhou. Claims 37 and 40, which depend from one of claims 1, 36 and 39 and contain additional limitations, are similarly believed patentable over Zhou. Withdrawal of the rejection is respectfully requested.

Claims 7-16 and 26-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schroepfel et al., U.S. Patent No. 5,957,966, in view of Takahashi, U.S. Patent No. 6,485,458. Applicants respectfully traverse this rejection. Claims 7-16 depend from claim 1, and claims 26-35 depend from claim 20. Claims 1 and 20 are believed patentable over the teachings of Schroepfel et al. '966 for at least the reasons stated above. Takahashi fails to remedy the shortcomings of Schroepfel et al. '966 in order to establish a *prima facie* case of obviousness. Therefore, these claims are additionally believed allowable.

Claims 1-5, 20-24 and 36-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Burmeister et al., U.S. Patent No. 5,452,726, in view of Schroepfel et al., U.S. Patent No. 6,024,764. Applicants respectfully traverse this rejection, asserting a *prima facie* case of obviousness has not been established with the cited combination.

Applicants maintain that Schroepfel '764 fails to teach a core wire comprising a metal and a polymer jacket attached to and surrounding a portion of the core wire such that a substantial portion of the polymer jacket is contiguous with the core wire, in which the polymer jacket is more stiff than the portion of the core wire which it surrounds.

As shown in Figure 2 of Schroepfel '764, the tubular sleeve (14) surrounds a portion of the tubular member (10). However, there is no mention throughout Schroepfel '764 of the material composition of the tubular member (10), especially no mention that the tubular member (10) is metallic. The Examiner opines that Schroepfel "discloses the polymer jacket for use in many devices including endocardial leads (Col. 5, lines 5 – 10), of which at least a portion must be a metallic material." In making this assertion, it appears as though the Examiner has ignored the fact that although endocardial leads may include a metallic wire used as a conductor wire, the conductor wire of the endocardial lead would conventionally be located within a polymeric tubular member providing an insulative barrier between the conductor wire and the anatomy of the patient. One of skill in the art would understand that it is the insulative polymeric tubular

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member which may correspond with the tubular member (10) disclosed in Schroepfel '764. For example, the cardiac lead disclosed in Schroepfel et al. '966 includes a conductor wire (42) extending through the polymeric sleeve (12). Applicants maintain that the tubular member (10) disclosed in Schroepfel '764 is not metallic.

As neither Schroepfel '764 nor Burmeister et al. teach a core wire comprising a metal and a polymer jacket attached to and surrounding a portion of the core wire such that a substantial portion of the polymer jacket is contiguous with the core wire, in which the polymer jacket is more stiff than the portion of the core wire which it surrounds, a *prima facie* case of obviousness has not been established regarding claims 1, 20, 36 and 39. For at least this reason, these claims are believed patentable over the cited references. Claims 2-5, 21-24, 37-38 and 40-44, which depend from one of claims 1, 20, 36 or 39 and include additional limitations, are also believed patentable over the cited references. Withdrawal of the rejection is respectfully requested.

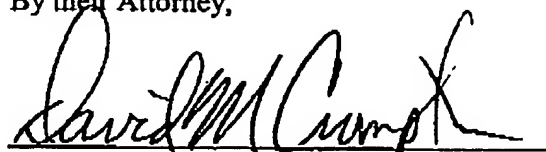
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Stephen Griffin et al.

By their Attorney,

Date: 8/4/06


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